



Northern Region Review

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This publication provides current information on environmental activities and events relevant to U.S. Army interests in the 22 States and Territories in Federal Regions I, II, III and V. The Review is intended to be a tool useful to Department of Defense and Army environmental decision makers, planners, and program managers in carrying out their responsibilities.

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Regional Office News

MESSAGE FROM THE REGIONAL OFFICE CHIEF Within the next few weeks the NREO will be sending U.S. Environmental Protection Agency (EPA) region-specific multi-media compliance checklist to Army installations and activities in Federal Regions I, II, III and V. The Regional Environmental Coordinators (RECs) from this office suggested that this material would be very useful to our readers and that we should make it as widely available as possible. The checklist will be forwarded via e-mail and is intended help environmental managers assess their compliance status and pin-point areas where improvement is needed. Special thanks go to the EPA Regional Office federal facilities coordinators who provided the checklists.

As a result of the Army Environmental Center implementing the Defense Message System (DMS) Compliant Internet Mail Addressing scheme, all AEC e-mail addresses have changed from *username@aec.apgea.army.mil* to *first name.last name@aec.apgea.army.mil*.

- Bill Herb
Acting Chief NREO

OFFICE OF THE PRESIDENT NEWS

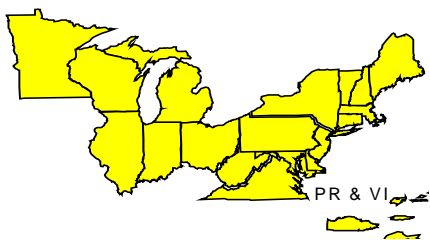
NEW LEGISLATION POSTPONES RELEASE OF WORST-CASE ACCIDENT DATA On 5 August 1999 President Clinton signed Senate Bill 880 - the Chemical Safety Information, Site Security & Fuels Regulatory Relief Act. The legislation postpones, for one year, public availability of risk management plan worst-case accident scenarios required under Section 112(r) of the CAA. More specifically, the new law allows the U.S. Environmental Protection Agency (EPA) to withhold sensitive information about potential off-site consequences of chemical accidents by granting a one-year suspension of the Freedom of Information Act with regard to requests for worst-case accident data. Although the law restricts public access, EPA will provide the worst-case data to state and local government emergency responders. The law directs the Administration to devise a program that balances legitimate security concerns with the public's right-

to-know. The action also prohibits EPA from regulating propane and other flammable hydrocarbon fuels under its Risk Management Plan program.

U.S. ENVIRONMENTAL PROTECTION AGENCY NEWS

Air Emissions Management

PETITION TO DELIST ETHYLENE GLYCOL BUTYL ETHER FROM THE LIST OF HAZARDOUS AIR POLLUTANTS (HAPS) The Chemical Manufacturers Association (CMA) has requested that the U.S. Environmental Protection Agency (EPA) remove ethylene glycol butyl ether (EGBE) from the list of HAPs contained in section 112(b)(1) of the CAA. The notice announcing receipt of the petition was published in the 3 August 1999 *Federal Register* (64 FR 42125). For further information contact: Ted Palma, EPA, Office of Air Quality Planning and Standards, (919) 541-5470, e-mail: palma.ted@epa.gov.



SUBMISSIONS To The Northern Region Review

We encourage feedback, and welcome suggestions for expanded or improved coverage. Please contact us at:

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Past and current issues of the Northern Region Review (formerly the Regional Update) can be found on the Army Environmental Center's web site at: <http://aec.army.mil/>. Look under Regional Offices.

AIR QUALITY INDEX REPORTING The U.S. Environmental Protection Agency (EPA) has revised the uniform air quality index used by states for daily air quality reporting to the general public. The changes add the following elements: (1) a new category described as "unhealthy for sensitive groups;" (2) a new requirement to report a pollutant-specific sensitive group statement when the index is above 100; (3) a new requirement to use specific colors if the index is reported in a color format; (4) new breakpoints for the ozone sub-index in terms of 8-hour average concentrations; (5) a new sub-index for fine particulate matter (PM_{2.5}); (6) conforming changes to the sub-indices for coarse particulate matter (PM₁₀), carbon monoxide, and sulfur dioxide; and (7) a change in the name of the index from the Pollutant Standards Index (PSI) to the Air Quality Index (AQI). The final rule was published in the 4 August 1999 *Federal Register* (64 FR 42530). The effective date is 4 October 1999. For further information contact: Terence Fitz-simons, EPA, (919) 541-0889, e-mail: fitz-simons.terence@epa.gov. For health effects information contact: Susan Lyon Stone, EPA, (919) 541-1146, e-mail: stone.susan@epa.gov.

TITLE V OPERATING PERMIT DEFERRALS The U.S. Environmental Protection Agency (EPA) is proposing to continue to allow permitting authorities the discretion to defer Title V operating permitting requirements until 9 December 2004 for area sources subject to the following NESHAP source categories: (1) chromium emissions from hard and decorative chromium electroplating and chromium anodizing tanks; (2) ethylene oxide commercial sterilization and fumigation operations; (3) perchloroethylene dry cleaning facilities; (4) halogenated solvent cleaning machines; and (5) secondary lead smelting. Sources must continue to meet all applicable requirements, including all applicable emission control, monitoring, recordkeeping, and reporting requirements established by the respective NESHAP. The proposed rule was published in the 18 August 1999 *Federal Register* (64 FR 45116). For further information contact: Rick Colyer, EPA, Emission Standards Division, (919) 541-5262, fax (919) 541-0942, e-mail: colyer.rick@epa.gov.

HALOGENATED SOLVENT CLEANING The U.S. Environmental Protection Agency (EPA) has: (1) provided NESHAP compliance options for continuous web cleaning machines; and (2) amended the NESHAP for steam-heated vapor cleaning machines and cleaning machines used to clean transformers. Unless adverse comments are received, the effective date is 18 October 1999. The proposed (64 FR 45221) and direct final (64 FR 45187) rules were published in the 19 August 1999 *Federal Register*. For questions concerning standards contact: Paul Almodovar, EPA, Emission Standards Division, (919) 541-0283. For information regarding applicability of this rule contact: Acquanetta Delaney, EPA, Office of Compliance, (202) 564-7061.

VEHICLE INSPECTION MAINTENANCE PROGRAM REQUIREMENTS The U.S. Environmental Protection Agency (EPA) is proposing several substantive and minor revisions to its Motor Vehicle Inspection/Maintenance (I/M) requirements. The rulemaking would: (1) modify current I/M performance standard modeling requirements; (2) provide states greater flexibility in how they meet performance standards; (3) remove the provision establishing decentralized, test-and-repair credit discounts; (4) revise certain test procedures, standards, and equipment requirements; (5) change the data collection, analysis, and reporting requirements to make them consistent with various alternative test and program types; (6) make minor revisions to the inspector training requirements; (7) revise the requirements for consumer protection; (8) improve repair effectiveness to limit the current requirement to provide diagnostic information; and (9) expand the options for complying with the on-road testing requirements to accommodate more recent variations, such as clean screening and non-tailpipe based roadside tests. The proposed rule was published in the 20 August 1999 *Federal Register* (64 FR 45491). For further information contact: David Sosnowski, EPA, Office of Mobile Sources, (734) 214-4823.

EPCRA Reporting

REPORTING REQUIREMENTS FOR LEAD AND LEAD COMPOUNDS The U.S. Environmental Protection Agency (EPA) is proposing to: (1) lower the reporting thresholds for lead and lead compounds which are subject to reporting under section 313 of EPCRA and section 6607 of the PPA; (2) limit the reporting of lead when contained in certain alloys; and (3) modify certain reporting exemptions and requirements for lead and lead compounds. Potentially affected entities include, but are not limited to: federal facilities that manufacture, process, or use lead or lead compounds; or burn coal or petroleum products. The proposed rule was published in the 3 August 1999 *Federal Register* (64 FR 42222). For further information contact: Daniel Bushman, EPA, (202) 260-3882, e-mail: bushman.daniel@epa.gov.

Hazardous Waste Management

MERCURY-BEARING HAZARDOUS WASTES The U.S. Environmental Protection Agency (EPA) has extended the comment period from 27 July to 25 October 1999 regarding an advance notice of proposed rulemaking published on 28 May 1999 (64 FR 28949). The EPA is soliciting comment in the notice on the following topics: (1) waste generation and treatment data for mercury-bearing hazardous wastes; (2) technical and policy issues regarding mercury waste treatment; and (3) avenues by which current mercury treatment standards might be revised. The notice announcing the extension of the comment period was published in the 27 July 1999 *Federal Register* (64 FR 40534). For general information contact EPA's RCRA Hotline at 1-800-424-9346 or (703) 412-9810 in the Washington, DC metropolitan area. For technical information contact: EPA, Office of Solid Waste - Rita Chow, (703) 308-6158, or Josh Lewis, (703) 308-7877.

Potable Water Management

NATIONAL DRINKING WATER CONTAMINANT OCCURRENCE DATABASE (NCOD) The U.S. Environmental Protection Agency (EPA) has posted its NCOD on the Internet at: <http://www.epa.gov/ncod/>. The database contains information on contaminants that occur or are likely to occur in public drinking supply systems. The notice announcing the release of the database was published in the 11 August 1999 *Federal Register* (64 FR 43701). For further information contact: Charles Job, EPA, (202) 260-7084, fax (202) 260-3762.

Solid Waste Management

STANDARDS FOR THE USE OR DISPOSAL OF SEWAGE SLUDGE The U.S. Environmental Protection Agency (EPA) has amended regulations concerning the land application, surface disposal, and incineration of sewage sludge. The action: (1) clarifies existing regulatory requirements regarding operational standards for pathogen and vector attraction reduction; (2) provides flexibility to permitting authorities and the regulated community in complying with the minimum frequency of monitoring requirements; (3) makes the incineration subpart of the regulation totally self-

implementing by providing information on air dispersion modeling, incinerator testing methods, and continuous emission monitors to the sewage sludge incinerator owner-operator; and (4) adds a concentration for total chromium in land-applied sewage sludge to the list of pollutants that are eligible for removal credits. The final rule was published in the 4 August 1999 *Federal Register* (64 FR 42552). For further information contact: Alan Rubin, EPA, Office of Science and Technology, (202) 260-7589.

LEAD-BASED PAINT ACTIVITIES IN TARGET HOUSING AND CHILD-OCCUPIED FACILITIES The U.S. Environmental Protection Agency (EPA) has extended the effective dates for the training and certification of workers and work practice standards for lead-based paint activities in target housing and child-occupied facilities. The extension applies only in states where the agency is operating the federal lead-based paint program. You may be affected by this rule if you operate a training program required to be accredited under 40 CFR 745.225, or if you are a professional, individual, or firm who must be certified to conduct lead-based paint activities in accordance with 40 CFR 745.226. The final rule was published in the 6 August 1999 *Federal Register* (64 FR 42849). For technical information contact: Ellie Clark, EPA, Office of Pollution Prevention and Toxics, (202) 260-3402, fax (202) 260-0770, e-mail: clark.ellie@epa.gov. For general information contact: Christine Augustyniak, EPA, Office of Pollution Prevention and Toxics, (202) 554-1404, e-mail: tsca-hotline@epa.gov.

Wastewater Management

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT APPLICATION REQUIREMENTS

The U.S. Environmental Protection Agency (EPA) has amended its permit application requirements and application forms for publicly owned treatment works (POTWs) and other treatment works treating domestic sewage (TWTDS); included are federally owned treatment works and facilities that generate sewage sludge, provide commercial treatment of sewage sludge, manufacture a product derived from sewage sludge, or provide disposal of sewage sludge. The agency expects the final rule to reduce current annual reporting and record keeping burdens by 21 percent. More specifically, the rule: (1) consolidates POTW application requirements, including information regarding: (a) toxics monitoring, (b) whole effluent toxicity (WET) testing, (c) industrial user and hazardous waste contributions, and (d) sewer collection system overflows; (2) requires toxic monitoring by major POTWs (and other pretreatment POTWs); (3) requires limited pollutant monitoring by minor POTWs; (4) replaces existing Standard Form A and Short Form A with Form 2A; (5) clarifies requirements for TWTDS; (6) allows permitting authorities to obtain information needed to issue permits regarding sewage sludge use or disposal; (7) replaces the existing Interim Sewage Sludge Form with Form 2S; and (8) lifts the stay of a 24 August 1998 final rule (63 FR 45113) streamlining state sewage sludge regulations. The final rule was published in the 4 August 1999 *Federal Register* (64 FR 42434). For information concerning Form 2A and municipal wastewater permitting issues contact: Robin Danesi, EPA, Permits Division, (202) 260-2991. For information regarding Form 2S and sewage sludge permitting issues contact: Wendy Bell, EPA, Permits Division, (202) 260-9534

INDUSTRIAL LAUNDRIES POINT SOURCE CATEGORY On 17 December 1997 (62 FR 66182) the U.S. Environmental Protection Agency (EPA) proposed pretreatment standards for industrial laundry wastewater pollutants. Recently, the agency has decided not to promulgate national pretreatment standards for the industrial laundries point source category. Instead, the agency believes that the best way to control certain organic discharges from this industry is to remove the pollutants which are contained on the laundry items before they are washed. In the first quarter of the year 2000 the EPA Office of Solid Waste plans to address ways of decreasing the amount of solvent-based organics being sent to laundries. The notice announcing the withdrawal of the proposed rule was published in the 18 August 1999 *Federal Register* (64 FR 45072). For further information contact: Marta Jordan, EPA, (202) 260-0817.

U.S. FISH AND WILDLIFE SERVICE NEWS

Endangered and Threatened Wildlife and Plants

RESIDENT CANADA GOOSE MANAGEMENT The U.S. Fish and Wildlife Service (FWS) is preparing an Environmental Impact Statement (EIS) for resident Canada goose management. The EIS will consider a range of management alternatives for addressing expanding populations of locally breeding Canada geese. The FWS is seeking public participation in the scoping process for preparing the EIS. Dates, times and locations of public meetings have yet to be determined but will be published in the *Federal Register* when they are available. Comments are due by 18 October 1999. The notice announcing the FWS's intent to prepare an EIS was published in the 19 August 1999 *Federal Register* (64 FR 45269).

On 17 June the FWS published a final rule (64 FR 32766) establishing a new special Canada goose permit. The new permits are designed specifically for the management and control of resident Canada geese and are available only to state conservation or wildlife management agencies. In July 1999 a U.S. District Court (Humane Society of the U.S. v. Glickman) ruled in favor of the Humane Society regarding the need for the USDA, APHIS, Wildlife Services to obtain a permit from the FWS for resident Canada Goose control activities in Virginia. The issue may have implications for other federal land managers.

The notice announcing the FWS's intent to prepare an EIS was published in the 19 August 1999 *Federal Register* (64 FR 45269). For further information contact: Mary Reed, U.S. Army Environmental Center, (410) 436-1564, DSN 584-1564, e-mail: mary.reed@aec.apgea.army.mil or FWS, Office of Migratory Bird Management - Jonathan Andrew or Ron Kokel, (703) 358-1714.

AMERICAN PEREGRINE FALCON The U.S. Fish and Wildlife Service (FWS) has: (1) removed the American peregrine falcon (*Falco peregrinus anatum*), throughout its range, from the Federal List of Endangered and Threatened Wildlife; and (2) removed the designation of "endangered due to similarity of appearance" for any free-flying peregrine falcons within the 48 conterminous United States. The rule will not affect protection provided to this species by the Migratory Bird Treaty Act (MBTA), the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), or state laws and regulations, nor will it affect the endangered listing status of the Eurasian peregrine falcon (*Falco peregrinus peregrinus*) under the Endangered Species Act. The FWS is currently revising its 26 August 1998 (63 FR 45446) monitoring plan. The plan will be made available for public review in the *Federal Register* in the near future. *Falco peregrinus anatum* and/or *Falco peregrinus* occur on or contiguous to the following installations in the NREO area of responsibility: Aberdeen Proving Ground, Bayonne Military Ocean Terminal, Charles E. Kelly Support Facility, Fort Devens, Fort Eustis, Fort McCoy, and Picatinny Arsenal. The final rule was published in the 25 August 1999 *Federal Register* (64 FR 46542). For further information contact: Mary Reed, U.S. Army Environmental Center, (410) 436-1564, DSN 584-1564, e-mail: mary.reed@aec.apgea.army.mil or Robert Mesta, FWS, (805) 644-1766.

ROLE OF HABITAT IN ENDANGERED SPECIES CONSERVATION On 14 June 1999 the U.S. Fish and Wildlife Service (FWS) published a notice (64 FR 31871) announcing the service's intention to develop or revise policy/guidance/regulations to clarify the role of habitat in endangered species conservation. More specifically, the FWS sought comments concerning: (1) benefits of the designation of critical habitat (beyond that of listing); (2) what considerations should be included in the service's prudency determinations; (3) how the service can effectively streamline the process of determining and designating critical habitats; (4) whether and how existing regulations might or should be changed to accomplish this; and (5) possible legislative actions that might improve the effectiveness and efficiency of the critical habitat process. The FWS published a notice in the 30 August 1999 *Federal Register* (64 FR 47195) reopening the comment period. Comments are due by 29 October 1999. For further information contact: Mary Reed, U.S. Army Environmental Center, (410) 436-1564, DSN 584-1564, e-mail: mary.reed@aec.apgea.army.mil or Nancy Gloman, FWS, Division of Endangered Species, (703) 358-2171.

ASSISTANCE/GUIDANCE

FINAL GUIDANCE ON ENVIRONMENTALLY PREFERABLE PURCHASING The U.S. Environmental Protection Agency (EPA) has revised its general guidance to assist executive agencies with the identification and acquisition of environmentally preferable products and services. The guidance is designed to assist executive agencies with the implementation of the environmentally preferable purchasing provisions of Executive Order 13101 and Section 23.704 of the Federal Acquisition Regulations. The notice announcing the issuance of the final guidance was published in the 20 August 1999 *Federal Register* (64 FR 45810). The document has been posted on the Internet at: <http://www.epa.gov/opptintr/epp/finalguidance.htm>. For further information contact: Eun-Sook Goidel, EPA, Office of Pollution Prevention and Toxics, (202) 260-3296, fax (202) 260-0178, e-mail: goidel.eunsook@epa.gov.

EPA ISSUES NOVS FOR EPCRA NON-COMPLIANCE The U.S. Environmental Protection Agency (EPA) has increased Emergency Planning and Community Right-to-Know Act (EPCRA) and Toxic Release Inventory (TRI) investigations at military bases. Recently, the agency issued Notices of Violation (NOVs) to several military bases for non-compliance. Executive Order 12856 requires federal facilities to comply with EPCRA, and, beginning in 1999, such munitions activities as production and demilitarization of munitions and related items will be regulated under the Act.

REDUCING SOLID WASTE THROUGH EPA'S WASTEWISE PROGRAM Within the next few months the U.S. Environmental Protection Agency's (EPA's) WasteWise program will be conducting a recruiting campaign aimed at federal facilities. WasteWise is a free, voluntary, program focusing on the reduction of solid waste. The agency works

with program participants to set waste reduction goals and devise strategies to achieve those goals. Partners file annual progress reports. The program also provides technical assistance and opportunities to network with peer companies to learn waste reduction techniques. WasteWise partners reported in 1997 that they reduced waste by more than 816,000 tons, saving an estimated \$ 88 million in avoided costs. Partners also collected nearly 7 million pounds of materials for recycling, saving an estimated \$ 218 million in avoided disposal fees. For further information contact the WasteWise helpline at 1-800-EPAWISE (1-800-372-9473).

MEETINGS, WORKSHOPS AND CONFERENCES

JOINT SERVICES P2/HAZARDOUS WASTE MANAGEMENT (HWM) CONFERENCE & EXHIBITION The Fourth Annual Joint Services P2 Conference and Exhibition, "Environmental Stewardship for the Next Millennium," will be held **6-9 December 1999** in San Antonio, Texas. The conference agenda will become available in October. For further information visit the Internet at: <http://www.ndia.org/events/brochure/040/040.htm>.

WATER REUSE 2000 The U.S. Environmental Protection Agency (EPA) is cosponsoring Water Reuse 2000, on **30 January-2 February 2000**, in San Antonio, Texas. Abstracts are being solicited to cover all aspects of water reuse, including: (1) agricultural reuse applications; (2) dual distribution system design and operation; (3) cross-connection control; (4) disinfection; (5) public outreach and education; (6) environmental enhancement through reuse; (7) health effects and risk assessment; (8) industrial reuse applications; (9) indirect potable reuse; (10) urban irrigation applications; (11) golf courses and parks; (12) regional program planning; (13) project economics, pricing, and financing, rate setting and capital funding; (14) regulatory and institutional issues; (15) research projects; (16) reclaimed water treatment technologies; (17) innovative urban reuse applications; (18) toilets, car washes and graywater systems; and (19) water quality issues. For further information contact: Lynda Pumphrey, (303) 347-6203, e-mail: lpumphre@awwa.org. Information also can be obtained from the Internet at: <http://www.awwa.org/00reuse/call/overview.htm>.

REAL WORLD AIR CONFERENCE AND EXHIBITION, CALL FOR PAPERS AND EXHIBITS The U.S. Army Forces Command and the U.S. Army Center for Health Promotion and Preventive Medicine (CHPPM) are partnering to conduct the second Real World Air Conference. The conference is intended to address current air pollution issues affecting federal facilities. The conference will be held **15-18 May 2000** in Atlanta, Georgia. Abstract topics include: (1) Pollution Prevention; (2) Particulate Matter (Both PM10 and PM2.5); (3) National Emission Standards for Hazardous Air Pollutants; (4) Regional Pollutant Transport; (5) Ozone Depleting Chemicals; (6) Sampling Methods; (7) Open burning/open detonation; (8) Emergency Planning and Community Right to Know Act (EPCRA); (9) Air Pollution Health Studies; (10) Legal Issues; (11) ISO 14000; (12) GIS Applications; and (13) Miscellaneous Issues. For additional information contact: Sherri Hutchens, (410) 436-8149, e-mail: sherri.hutchens@apg.amedd.army.mil or Rochelle Williams, (404) 464-7695, e-mail: williaro@forscom.army.mil. Additional information can also be found on the Internet at: <http://chppm-www.apgea.army.mil/air/airconf/conf.htm>.

Region I

Connecticut, Maine, Massachusetts, New Hampshire,
Rhode Island And Vermont

MAINE

Hazardous Waste Management

UNIVERSAL WASTE STANDARDS The Department of Environmental Protection (DEP) is proposing to amend regulations under MAC 850, 851, 853, and 857. The rulemaking would specify requirements and require recycling (except for ballasts) of the following wastes: (a) batteries, (b) cathode ray tubes, (c) mercury-containing lamps and thermostats, and (d) totally enclosed nonleaking polychlorinated biphenyl lighting ballasts. For further information contact: Stacy Ladner, DEP, (207) 287-7688.

HAZARDOUS WASTE MANAGEMENT The Department of Environmental Protection (DEP) is proposing to amend the state's hazardous waste management regulations under MAC Chapter 856. The rulemaking would: (1) provide an

abbreviated permit process to facilitate the recycling of certain hazardous wastes; (2) incorporate existing federal requirements concerning the submittal of information prior to the first shipment; (3) allow qualifying wastes to be shipped by common carrier or hazardous waste transporter; and (4) make it possible to accumulate qualifying wastes on site for up to 180 days if sufficient capacity exists. For further information contact: Scott Whittier, DEP, (207) 287-2651.

MASSACHUSETTS

Potable Water Management

METHYL TERTIARY BUTYL ETHER (MTBE) The Department of Environmental Protection (DEP) has amended regulations under 310 CMR 22.00. The rulemaking: (1) requires water systems to include an analysis of MTBE within their current monitoring requirements; and (2) provides monitoring data necessary to determine the extent and concentrations of MTBE in drinking water supplies across the state. The amendment became effective 9 September 1999. For further information contact: Maria Osorio, DEP, Drinking Water Program, (617) 556-1042.

NEW HAMPSHIRE

Fines

FINE SCHEDULES The Department of Environmental Services (DES) is proposing to adopt and readopt, with amendments, regulations under NHAR Env-C 602 through 616 concerning administrative fines. The rulemaking would: (1) consolidate wetlands and dam safety fines; (2) establish fines for violations involving: (a) hazardous and solid waste management, (b) above-ground storage tank systems, and (c) water well construction and closure; (3) include all agency programs having fine authority in the matrix by which fines are calculated; (4) increase fines for certain violations; (5) correct citations; and (6) make editorial corrections. For further information contact: Gretchen Rule, DES, Office of the Commissioner, (603) 271-3503.

Hazardous Waste Management

GENERATOR AND FACILITIES REQUIREMENTS The Department of Environmental Services (DES) is proposing to amend, repeal and readopt, with amendments, regulations under NHAR Env-Wm 100 through 800 (nonconsecutive) concerning hazardous waste generators, and treatment, storage and disposal facilities. The rulemaking would: (1) incorporate by reference federal standards promulgated 1 July 1998; (2) replace the extraction procedure toxicity test with the toxicity characteristic leaching procedure; (3) add methyl bromide production wastes, coke by-product wastes, and chlorinated toluenes production wastes to hazardous waste listings; (4) revise application procedures and technical standards for treatment, storage and disposal facilities; and (5) clarify that hazardous waste mixtures must be analyzed on a wet weight basis. For further information contact: Holly Green, DES, (603) 271-2920.

Region II

New Jersey, New York, Puerto Rico
And the Virgin Islands

NEW JERSEY

Air Emissions Management

OPERATING PERMITS The Department of Environmental Protection (DEP) has amended regulations under NJAC 7:27-8.1, -8.2, and -22.1 through -22.35 (nonconsecutive) concerning air pollution control operating permits. The action: (1) adds definitions; (2) designates certain fuel cells as equipment and control apparatus exempt from permits and operating certificates; (3) adds certain fuel cell systems to the list of exempt activities; (4) requires operating permits for: (a) nonmajor medical waste incinerators, (b) landfills, and (c) calciners and dryers at mineral processing plants; (5) incorporates certain preconstruction permits into an operating permit; (6) incorporates by reference final federal nitrogen oxide regulations; and (7) makes editorial corrections. For further information contact: Ann Zeloof, DEP, Office of Legal Affairs, (609) 292-0716.

Hazardous Waste Management

AUTHORIZATION OF NEW JERSEY'S HAZARDOUS WASTE PROGRAM In October 1996 New Jersey applied for final authorization of its hazardous waste program. On 11 May 1999 the U.S. Environmental Protection Agency (EPA) proposed to approve and authorize the state's program (64 FR 25258). Since no public comments were submitted, the EPA has authorized the state's hazardous waste program to operate in lieu of the federal hazardous waste program, effective 2 August 1999. The final rule was published in the 2 August 1999 *Federal Register* (64 FR 41823). For further information contact: Elizabeth Butler, EPA Region II, Division of Environmental Planning and Protection, (212) 637-4163, e-mail: butler.elizabeth@epa.gov.

Installation Restoration Program

SITE REMEDIATION PROGRAM The Department of Environmental Protection (DEP) has: (1) amended regulations under NJAC 7:14B-3, 7:26B-1, -4, -8, and Appendix A; 7:26C-1 through -9 (nonconsecutive) and Appendices A and B; and 7:26E-1 through -6 (nonconsecutive) and Appendix F; and (2) adopted new regulations under NJAC 7:26B, Appendix B; and 7:26C, Appendix C to implement the state's Brownfield and Contaminated Site Remediation Act. The action: (1) establishes procedures for industrial establishments to investigate the environmental condition of remediation sites; (2) implements procedures by which a person may participate in the remediation of a contaminated site; (3) adds and modifies definitions; (4) establishes that indirect costs will not be collected by the department; (5) sets forth a systematic approach to investigating and remediating contaminated sites; (6) encourages the use of innovative remedial action technologies to remediate contaminated sites; (7) provides exemptions from certain reporting provisions; (8) deletes the cost test analysis for nonpermanent remedies; and (9) revises provisions governing: (a) underground storage tanks, (b) Industrial Site Recovery Act standards, (c) oversight provisions, and (d) technical requirements for site remediation. For further information contact: Ann Zeloof, DEP, Office of Legal Affairs, (609) 292-0716.

Natural Resource Management

COASTAL PERMIT PROGRAM The Department of Environmental Protection (DEP) is proposing to: (1) adopt regulations under a new Subchapter NJAC 7:7-9 and new Sections NJAC 7:7E-1.7, -3.49, -5, -5A, -5B, and Appendices 2 and 3; (2) amend regulations under NJAC 7:7-1.10 and 7:7E-1.1 through -8.11 (nonconsecutive); and (3) repeal regulations under NJAC 7:7E-5 and 7:7E, Appendix I, Figure 14 governing coastal zone management and the coastal permit program. The rulemaking would: (1) add requirements for impervious cover and vegetative cover in the area covered by the Coastal Area Facility Review Act (CAFRA) and the upland waterfront development area; (2) establish impervious cover limits and vegetative cover percentages applicable only in the upland waterfront development area; (3) establish impervious cover limits applicable only in the CAFRA area; (4) describe boundaries of interim "coastal centers" for communities in the CAFRA area for purpose of applying proposed cover limit standards for that area; (5) allow certain standards to be relaxed in limited circumstances to prevent an extraordinary hardship on a property owner seeking a coastal permit; (6) clarify references; (7) set forth "sector permit" provisions; (8) address "sector permit municipality" standards; and (9) establish Atlantic City as a "special area" under the coastal zone management program. This rule replaces an earlier proposed rule (see the March 1999 edition of this publication) on the same topic. The goals of the proposed rules include: (1) encouraging redevelopment of existing developed areas; (2) integrating comprehensive planning considerations into the coastal permitting standards applicable in the CAFRA area -- this should make the process more predictable, while also encouraging compact development in areas where infrastructure and services already exist; and (3) simplification of the permit process for persons who must obtain a coastal permit to construct development in the CAFRA area. For further information contact: Janis Hoagland, DEP, Office of Legal Affairs, (609) 292-0716.

NEW YORK

Air Emissions Management

HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS (HMIWI) The U.S. Environmental Protection Agency (EPA) has approved New York's State Plan designed to implement and enforce the Emission Guidelines (EG) for existing Hospital/Medical/Infectious Waste Incinerators (HMIWI). Unless adverse comments are received, the effective date is 8 October 1999. The proposed (64 FR 43123) and direct final (64 FR 43091) rules were published in the 9 August 1999 *Federal Register*. For further information contact: EPA Region II, Air Programs Branch - Ted Gardella, (212) 637-3892, or Craig Flamm, (212) 637-4021.

HEAVY-DUTY DIESEL VEHICLE EMISSIONS The Department of Environmental Conservation (DEC) has amended regulations under 6 NYCRR 200 and 217-3 and adopted regulations under a new Subpart 6 NYCRR 217-5 concerning motor vehicle exhaust emissions. The action: (1) establishes emission standards; (2) implements an inspection and maintenance program for heavy-duty diesel vehicles; (3) exempts vehicles waiting for an exhaust emission inspection from current idling restrictions; (4) exempts hybrid electric vehicles powered by a diesel engine; and (5) removes the Ringelmann Standard. For further information contact: Anthony Tagliaferro, DEC, (518) 485-8913.

Region III

**Delaware, Maryland, Pennsylvania, Virginia, West Virginia
and the District of Columbia**

DELAWARE

Potable Water Management

PUBLIC DRINKING WATER The Department of Health and Social Services (DHSS), Division of Public Health, has: (1) amended regulations under Sections 22.211 and .212; (2) repealed regulations under Section 22.303; and (3) adopted regulations under a new Section 22.106 concerning public drinking water systems. The action: (1) incorporates new capacity development requirements; (2) updates review requirements to be used when submitting plans; (3) establishes the Ten States Standards of the National Sanitation Foundation, or an approved equivalent, as engineering standards; (4) requires that systems beginning operation after 1 October 1999 submit an application for capacity development review; (5) requires that new systems use a professional engineer to prepare plans and specifications; (6) requires a certificate of approval to operate; (7) requires that community and nontransient noncommunity systems beginning operation after 1 October 1999 demonstrate their capacity to operate in compliance with the standards; and (8) defines "capacity." For further information contact: Jeff Beaman, DHSS, Division of Public Health, (302) 739-3845.

DISTRICT OF COLUMBIA

Air Emissions Management

15 PERCENT PLAN FOR THE METROPOLITAN WASHINGTON, D.C. OZONE NONATTAINMENT AREA In July 1998 the U.S. Environmental Protection Agency (EPA) conditionally approved revisions to the District of Columbia's State Implementation Plan (SIP) intended to achieve a 15 percent reduction in volatile organic compound (VOC) emissions (15% plan). The sole condition for full approval was that the District begin testing of motor vehicles under its enhanced inspection and maintenance program (I/M program) on or before 30 April 1999. The District fulfilled the condition for full approval when it began the required testing on 26 April 1999. A direct final rule granting full approval of the District's SIP revision was published in the 5 August 1999 *Federal Register* (64 FR 42600). The effective date is 4 October 1999. For further information contact: Christopher Cripps, EPA Region III, (215) 814-2179, e-mail: cripps.christopher@epa.gov.

ENGINE IDLING STANDARDS The Council of the District of Columbia has enacted the Motor Vehicle Excessive Idling Fine Increase Amendment Act of 1999. The act: (1) amends regulations under 16 DCMR 3224 and 18 DCMR 2601.2; and (2) increases the fine for violating engine idling provisions under the D.C. Air Pollution Control Act of 1984 and the Traffic Adjudication Act of 1978. For further information contact the Council of the District of Columbia at (202) 724-8050.

Toxic Substances Management

ASBESTOS MANAGEMENT The Department of Health, Environmental Health Administration, has been designated as the lead state agency for asbestos management plan approval. For further information contact: Mark Sobo, Council of the District of Columbia, Legislative Services Division, (202) 724-8105.

MARYLAND

Air Emissions Management

TRANSPORTATION CONFORMITY The Department of the Environment has: (1) amended regulations under COMAR 26.11.26.02 and .03; (2) adopted regulations under new Sections COMAR 26.11.26.04 through .08; and (3) recodified regulations under COMAR 26.11.26.04 as COMAR 26.11.26.09. The action establishes a legal platform for various consultation procedures developed between the department and the Department of Transportation, the Metropolitan Washington Air Quality Committee, and metropolitan planning organizations (MPOs). More specifically, the rule: (1) revises definitions; (2) allows state and local governments to set performance measures used to: (a) determine conformity, (b) develop the state implementation plan, and (c) handle unique planning situations; and (3) conforms to memoranda of understanding that have been established with the MPOs. For further information contact: Diane Franks, Department of Environment, Air and Radiation Management Administration, (410) 631-3240.

WEST VIRGINIA

Hazardous Waste Management

SEWAGE HANDLING AND DISPOSAL The Department of Health has amended numerous regulations under 12 VAC 5-610 concerning sewage handling and disposal standards. The action: (1) updates standards; (2) removes technical and administrative restrictions that delay or prevent the issuance of permits; (3) grandfathers and extends existing permits; (4) addresses permit requirements for systems with flows greater than 1,200 gallons per day; (5) revises the stand-off distance to water table in all soil texture groups to 18 inches; (6) includes standards that allow "sand-on-sand" systems; and (7) modifies repair systems standards for economically disadvantaged persons. The effective date is 1 October 1999. For further information contact: Donald Alexander, Department of Health, Division of Onsite Sewage and Water, (804) 786-1620.

Region V

Illinois, Indiana, Michigan, Minnesota,
Ohio and Wisconsin

ILLINOIS

Regulatory Agenda

REGULATORY AGENDA The Pollution Control Board (PCB) has issued a regulatory agenda that lists anticipated amendments to regulations under 32 IAC 101 through 820 (nonconsecutive). The agenda addresses the following provisions: (a) hearings and proceedings, (b) variances, (c) permits, (d) identification and protection of trade secrets, (e) nitrogen oxides emissions, (f) nonmethane organic emissions, (g) toxic air contaminants, (h) nondegradation, (i) solid waste, (j) water supply standards, and (k) hazardous waste. For further information contact: Dorothy Gunn, PCB, (312) 814-6931.

Waste Management

U.S. ENVIRONMENTAL PROTECTION AGENCY STANDARDS The Pollution Control Board (PCB) has revised numerous regulations concerning land disposal restrictions, effluent discharge and waste water pretreatment standards, landfill leachates, and petroleum wastes. The action: (1) amends regulations under 35 IAC 724.101 through .653 (nonconsecutive) and adopts regulations under new Section 35 IAC 724.654 concerning standards for hazardous waste treatment, storage, and disposal facilities; (2) amends regulations under 35 IAC 720.110 and .111 regarding hazardous waste management systems; (3) amends regulations under 35 IAC 725.101 through .240 (nonconsecutive) and adopts regulations under a new Section 35 IAC 725.221 concerning interim status standards for hazardous waste treatment, storage, and disposal facilities; (4) amends regulations under 35 IAC 728.102 through .150 (nonconsecutive) and Tables

I, T, and U regarding land disposal restrictions; (5) amends regulations under 35 IAC 702.110 and .126 concerning the Resource Conservation and Recovery Act and underground injection control permit programs; (6) amends regulations under 35 IAC 703.121, .157, .182, .183, and Appendix A and adopts regulations under new Sections 35 IAC 703.161 through .306 (nonconsecutive) regarding the Resource Conservation and Recovery Act permit program; (7) amends regulations under 35 IAC 724.101 through .653 (nonconsecutive) and adopts regulations under new Section 35 IAC 724.654 regarding standards for hazardous waste treatment, storage, and disposal facilities; (8) amends regulations under 35 IAC 726.180 and .200 regarding standards for the management of specific types of hazardous waste and specific types of hazardous waste management facilities; (9) amends regulations under 35 IAC 733.106 regarding standards for universal waste management; and (10) amends regulations under 35 IAC 721.102, .104, and Appendix Z regarding identification and listing of hazardous waste. The actions conform to U.S. EPA standards promulgated between 1 July 1998 and 11 February 1999: For further information contact: Michael McCambridge, PCB, (312) 814-6924.

INDIANA

Potable Water Management

WATER MAINS/WATER WELLS The Department of Environmental Management (DEM), Water Pollution Control Board, has: (1) adopted regulations under a new Section 327 IAC 8-3.4; and (2) repealed regulations under 327 IAC 8-7, -8, and -9. The action establishes technical standards for the design and construction of public water system wells. For further information contact: Mary Ann Stevens, DEM, Office of Water Management, (317) 232-8635.

MINNESOTA

Air Emissions Management

SAINT PAUL PARTICULATE MATTER (PM) NONATTAINMENT AREA The U.S. Environmental Protection Agency (EPA) has approved a supplemental revision to the Minnesota State Implementation Plan (SIP) for the Saint Paul particulate matter (PM) nonattainment area, located in Ramsey County. Unless adverse comments are received, the effective date is 12 October 1999. The proposed (64 FR 44152) and direct final (64 FR 44131) rules were published in the 13 August 1999 *Federal Register*. For further information contact: Christos Panos, EPA Region V, Air and Radiation Division, (312) 353-8328.

Natural Resource Management

DESIGNATION OF CO-TRUSTEES FOR NATURAL RESOURCES The governor has signed Executive Order No. 99-17. The action designates the commissioners of the Department of Natural Resources (DNR) and the Pollution Control Agency (PCA) as co-trustees for specified natural resources. For further information contact: Office of the Governor, (651) 296-3391.

OHIO

Air Emissions Management

ACCIDENTAL RELEASE PREVENTION PROGRAM The Ohio EPA (OEPA) has adopted regulations under a new Chapter OAC 3745-104 for the purpose of establishing an accidental release prevention program that conforms to federal standards under 40 CFR 68. The action: (1) establishes procedures to prevent the accidental release of regulated substances; (2) establishes procedures to reduce the severity of releases that do occur; (2) sets forth a fee schedule; and (3) requires facility risk management plans that set forth: (a) worst-case scenario procedures, (b) prevention program requirements, and (c) emergency response procedures. The U.S. EPA is expected to grant delegation of the program to Ohio within the next 30 to 60 days. For further information contact: Sherri Swihart, OEPA, Division of Air Pollution Control, (614) 644-3594.

Occupational Safety

DRIPPING AND COATING OPERATIONS The Public Employment Risk Reduction Advisory Commission has amended regulations under OAC 4167-3-04 concerning employment risk reduction standards. The action updates the

incorporation by reference of OSHA regulations under 29 CFR 1910 regarding dripping and coating operations. For further information contact: Bureau of Employment Services, Public Employment Risk Reduction Program, (614) 644-2246.

WISCONSIN

Hazardous Waste Management

HAZARDOUS WASTE MANAGEMENT PROGRAM REVISIONS The U.S. Environmental Protection Agency (EPA) has granted final authorization to Wisconsin's hazardous waste program. As a result, the state now has responsibility for permitting treatment, storage, and disposal facilities and for carrying out the aspects of the RCRA program as described in its revised program application, subject to the limitations of the HSWA. Wisconsin also has primary enforcement responsibilities, although EPA retains the right to conduct inspections and to take enforcement actions. Unless adverse comments are received, the effective date is 4 October 1999. The proposed (64 FR 42630) and immediate final (64 FR 42602) rules were published in the 5 August 1999 *Federal Register*. For further information contact: Daniel Chachakis, EPA Region V, Waste, Pesticides and Toxics Division, (312) 886-2022.

- INTERNET RESOURCES -

FEDERAL SOURCES

- U.S. AEC <http://aec.army.mil>
- U.S. EPA <http://www.epa.gov/>
 - REGION I <http://www.epa.gov/region01/>
 - REGION II <http://www.epa.gov/region2/>
 - REGION III <http://www.epa.gov/region03/index.htm>
 - REGION V <http://www.epa.gov/region5/>
- USDA <http://www.usda.gov/>
- DOI <http://www.doi.gov/>
- FEDERAL REGISTER http://www.access.gpo.gov/su_docs/aces/aces140.html
 - TABLE OF CONTENTS http://www.access.gpo.gov/su_docs/aces/fr-cont.html
- CODE OF FEDERAL REGULATIONS <http://www.access.gpo.gov/nara/cfr/cfr-table-search.html>

STATE/TERRITORY SOURCES

- CONNECTICUT <http://www.state.ct.us/>
- DELAWARE <http://www.state.de.us/>
- DISTRICT OF COLUMBIA <http://www.dccouncil.washington.dc.us/>
- ILLINOIS <http://www.state.il.us/>
- INDIANA <http://www.state.in.us/>
- MAINE <http://janus.state.me.us/homepage.asp>
- MARYLAND <http://www.mec.state.md.us/>
- MASS. <http://www.magnet.state.ma.us/massgov.htm>
- MICHIGAN <http://www.migov.state.mi.us/>
- MINNESOTA <http://www.state.mn.us/>
- NEW HAMPSHIRE <http://www.state.nh.us/>
- NEW JERSEY <http://www.state.nj.us/>
- NEW YORK <http://www.nysl.nysed.gov/ils/>
- OHIO <http://www.state.oh.us/>
- PENNSYLVANIA <http://www.state.pa.us/>
- PUERTO RICO <http://fortaleza.govpr.org/ingles/pris.htm>
- RHODE ISLAND <http://www.state.ri.us/>
- VERMONT <http://www.cit.state.vt.us/>
- VIRGIN ISLANDS <http://www.gov.vi/>
- VIRGINIA <http://www.state.va.us/>
- WEST VIRGINIA <http://www.state.wv.us/>
- WISCONSIN <http://www.state.wi.us/>

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